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9  
10 IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
11 AT SPOKANE

12 FAYE IRENE GUENTHER,  
an individual,

13 Plaintiffs,

14 v.

15 JOSEPH H. EMMONS, individually,  
16 AND OSPREY FIELD CONSULTING  
LLC, a limited liability company,

17 Defendants.  
18  
19  
20  
21  
22  
23

No. 2:22-cv-00272-TOR

**DECLARATION OF  
JOSEPH H. EMMONS IN  
DEFENDANTS'  
OPPOSITION TO  
PLAINTIFF'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

EMMONS DECL. ISO DEFENDANTS'  
OPPOSITION TO PLAINTIFF'S MOTION  
FOR PARTIAL SUMMMARY JUDGMENT  
Case No. 2:22-cv-00272-TOR

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1 I, Joseph H. Emmons, declare:

2 1. I am the sole owner of Osprey Field Services LLC (“Osprey”), and  
3 Osprey and I are defendants in the above-captioned lawsuit. I am over 18 years of  
4 age and make this declaration from personal knowledge.

5 2. I have reviewed relevant portions of Plaintiff’s Statement of Material  
6 Facts (ECF No. 105). The information in this declaration supplements the  
7 information provided in my declaration in support of Defendants’ Motion for  
8 Summary Judgment (ECF No. 112).

9 3. As stated in my prior declaration, Michael Selvaggio (through his  
10 company Ridgelark Strategies LLC) hired me (through Osprey) to distribute copies  
11 of the Flyer in-person at grocery stores in Spokane. I had two phone calls with  
12 Mr. Selvaggio regarding this project before I distributed the Flyer.

13 4. In early January 2022, Mr. Selvaggio called me and asked to hire me,  
14 through Osprey, for this project.

15 5. On January 5, 2022, Mr. Selvaggio emailed me a copy of the Flyer.

16 6. After Mr. Selvaggio sent me the Flyer, we had a second phone call  
17 regarding the project.

18 7. During one or both of these phone calls, Mr. Selvaggio and I discussed  
19 the statements in the Flyer. As described in my prior declaration, I asked  
20 Mr. Selvaggio whether the Flyer’s statements were accurate, and he confirmed that  
21 the information in the Flyer was credible and stated that there had been  
22 investigations. I do not recall during which conversation this occurred. I believed  
23 then and still believe now that the Flyer’s statements are true based on my experience

1 working with Mr. Selvaggio and his representations.

2 8. Mr. Selvaggio told me that the purpose of the project was to provide  
3 UFCW members in Spokane with information about misconduct in UFCW local  
4 leadership before a merger vote. Mr. Selvaggio did not tell me whom the project  
5 was for or that Dan Clay was involved.

6 9. Mr. Selvaggio gave me instructions regarding where and how to  
7 distribute the Flyer. He provided me with a list of grocery stores where he wanted  
8 me to distribute the Flyer. He also told me to place copies of the Flyer passively at  
9 workstations within the grocery store and not to engage with workers apart from  
10 saying something like "Here is information about the union." He did not instruct me  
11 to disguise myself.

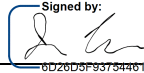
12 10. When I distributed the flyer, I did not try to disguise myself. I am a  
13 baseball cap collector and a Gonzaga fan. When I was at one of the grocery stores  
14 in Spokane, I saw a Gonzaga baseball cap I liked, and I purchased it. I then wore  
15 the hat for the remainder of my trip. I also wore a mask inside each grocery store I  
16 visited because I did not want to catch Covid. At the time, Covid infection rates  
17 were extremely high, and I was in a conservative area of the country where I believed  
18 many people were not vaccinated against Covid and did not wear masks.

19 11. I wear glasses because I have astigmatism and was wearing the glasses  
20 when distributing the flyer. My astigmatism is especially activated by driving at  
21 night and bright lights in the dark in general. As I was driving the evening I  
22 distributed the Flyer, I kept my glasses on.

1           12. I placed the flyers in common areas such as the delis or cash registers  
2 at the stores.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on 10/25/2024, in (Portland, oregon)

5 Signed by:  
  
0D26D5F93754461...

6 Joseph H. Emmons

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2024, I caused the document to which this certificate is attached to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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*Attorneys for Plaintiff Faye Irene Guenther*

I declare under penalty of perjury that the foregoing is true and accurate.

DATED this 25th day of October, 2024.

By: s/Sara A. Fairchild  
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